

Senate File 196 - Introduced

SENATE FILE 196

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1019)

A BILL FOR

1 An Act prohibiting the use of automated traffic law enforcement
2 systems by the department of transportation and regulating
3 the use of other automated traffic law enforcement systems.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, Code 2017, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 06B. "*Automated traffic law enforcement*
4 *system*" means a device that is used for the enforcement of laws
5 regulating vehicular traffic and that is equipped with one or
6 more sensors working in conjunction with one of the following:

7 a. An official traffic-control signal, to produce recorded
8 images of motor vehicles entering an intersection against a red
9 signal light.

10 b. A speed measuring device, to produce recorded images of
11 motor vehicles traveling at a prohibited rate of speed.

12 c. A railroad grade crossing signal light, as described in
13 section 321.342, to produce recorded images of motor vehicles
14 violating the signal light.

15 d. Any official traffic-control device, if failure to comply
16 with the official traffic-control device constitutes a moving
17 violation under this chapter.

18 Sec. 2. NEW SECTION. 321.492C Automated traffic law
19 enforcement systems.

20 1. The department shall not place, operate, maintain,
21 or employ the use of any automated traffic law enforcement
22 system. The department shall not cause to be placed any
23 automated traffic law enforcement system except as provided in
24 this section or in rules adopted by the department under this
25 section.

26 2. a. A local authority, or another entity on a local
27 authority's behalf, shall not operate an automated traffic law
28 enforcement system without the approval of the department. The
29 department shall approve the operation of an automated traffic
30 law enforcement system only if the department determines the
31 system is located in a documented high-crash or high-risk
32 location at which there is a demonstrated safety need for
33 the system. The department shall make such a determination
34 about a location based on the volume of traffic, the history
35 of motor vehicle accidents, the frequency and type of traffic

1 violations, the risk to peace officers employing traditional
2 traffic enforcement methods, and any other safety criteria
3 deemed appropriate by the department and set forth in rules
4 adopted by the department. The department shall separately
5 approve each location at which a local authority, or another
6 entity on a local authority's behalf, operates a mobile
7 automated traffic law enforcement system. This paragraph "a"
8 shall not apply to an automated traffic law enforcement system
9 approved by the department and in operation prior to January
10 1, 2017. A local authority may continue to operate such a
11 system in the same manner as the system was operated prior to
12 January 1, 2017. However, after a local authority discontinues
13 operation of the system, any new manner of operation or new
14 system operated by the local authority shall comply with this
15 paragraph "a".

16 **b.** A local authority, or another entity on a local
17 authority's behalf, shall not operate an automated traffic law
18 enforcement system without posting signage meeting all of the
19 following requirements:

20 (1) For a fixed automated traffic law enforcement system,
21 permanent signs advising drivers that the system is in place
22 shall be posted in clear and present view of passing drivers in
23 advance of the location where the system is in use.

24 (2) For a mobile automated traffic law enforcement system,
25 temporary or permanent signs advising drivers that the system
26 is in place shall be posted in clear and present view of
27 passing drivers in advance of the location where the system is
28 in use as agreed to by the department and the local authority.

29 (3) The signage conforms to the manual on uniform
30 traffic-control devices as adopted by the department.

31 **c.** A local authority, or another entity on a local
32 authority's behalf, shall not issue a citation resulting from
33 the use of an automated traffic law enforcement system until a
34 peace officer of the local authority has reviewed the citation
35 and any relevant recorded images produced by the system.

1 *d.* The amount of the fine or civil penalty imposed by a
2 citation resulting from the use of an automated traffic law
3 enforcement system shall not exceed the amount of the fine for
4 a scheduled violation under section 805.8A for the same or a
5 similar violation of this chapter.

6 *e.* An automated traffic law enforcement system working
7 in conjunction with a speed measuring device or official
8 traffic-control signal shall comply with the generally accepted
9 procedures for operating the system. A local authority,
10 or another entity on a local authority's behalf, operating
11 such a system shall maintain a monthly log detailing whether
12 the local authority or entity successfully performed the
13 manufacturer-specified self-test of the system. The local
14 authority or entity shall also perform a weekly calibration
15 check of the system, and documentation of the calibration check
16 shall be retained by the local authority or entity. The log
17 and documentation of the calibration checks shall be admissible
18 in any court proceeding related to a violation of section
19 321.257 or 321.285.

20 *f.* The department shall adopt rules to administer this
21 subsection, including but not limited to rules relating to the
22 size and location of signage advising drivers that an automated
23 traffic law enforcement system is in place.

24 3. All moneys collected by a local authority from
25 citations issued as a result of the use of an automated
26 traffic law enforcement system, less the amount necessary
27 for the installation, operation, and maintenance of the
28 automated traffic law enforcement system, shall be deposited
29 in the account or accounts maintained by the local authority
30 for moneys appropriated to the local authority from the
31 secondary road fund or street construction fund of the cities,
32 as applicable. This subsection shall not apply to moneys
33 collected for court costs or other associated costs, the
34 criminal penalty surcharge required by section 911.1, or the
35 county enforcement surcharge required by section 911.4.

1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

4 This bill prohibits the department of transportation (DOT)
5 from placing, operating, maintaining, or employing the use of
6 any automated traffic law enforcement system.

7 The bill also prohibits a local authority, or another entity
8 on a local authority's behalf, from operating an automated
9 traffic law enforcement system without the approval of the DOT.
10 The bill provides that the DOT shall approve the operation of
11 an automated traffic law enforcement system only if the system
12 is located in a documented high-crash or high-risk location
13 at which there is a demonstrated safety need for the system.
14 The bill requires the DOT to make such a determination about
15 a location based on the volume of traffic, the history of
16 motor vehicle accidents, the frequency and type of traffic
17 violations, the risk to peace officers employing traditional
18 traffic enforcement methods, and any other safety criteria
19 deemed appropriate by the DOT. In addition, the bill requires
20 the DOT to separately approve each location at which a local
21 authority, or another entity on a local authority's behalf,
22 operates a mobile automated traffic law enforcement system.
23 These provisions of the bill do not apply to an automated
24 traffic law enforcement system approved by the DOT and in
25 operation prior to January 1, 2017.

26 The bill prohibits a local authority, or another entity on a
27 local authority's behalf, from operating an automated traffic
28 law enforcement system without posting appropriate signage in
29 clear and present view of passing drivers in advance of the
30 location where the system is in use.

31 The bill also prohibits a local authority, or another
32 entity on a local authority's behalf, from issuing a citation
33 resulting from the use of an automated traffic law enforcement
34 system until a peace officer of the local authority has
35 reviewed the citation and any relevant recorded images produced

1 by the system.

2 In addition, the bill prohibits the amount of the fine or
3 civil penalty imposed by a citation resulting from the use of
4 an automated traffic law enforcement system from exceeding the
5 amount of the fine for a scheduled violation under Code section
6 805.8A for the same or a similar violation.

7 The bill provides that an automated traffic law enforcement
8 system working in conjunction with a speed measuring device or
9 official traffic-control signal must comply with the generally
10 accepted procedures for operating the system. A local
11 authority, or another entity on a local authority's behalf,
12 operating such a system must maintain a monthly log detailing
13 whether the local authority or entity successfully performed
14 the manufacturer-specified self-test of the system. The bill
15 requires a local authority or entity to also perform a weekly
16 calibration check of the system, and requires documentation of
17 the calibration check to be retained by the local authority or
18 entity. The bill specifies that the log and documentation of
19 the calibration checks are admissible in any court proceeding
20 related to a violation of Code section 321.257 (official
21 traffic-control signals) or 321.285 (speed restrictions).

22 The bill requires all moneys collected by a local authority
23 from citations issued as a result of the use of an automated
24 traffic law enforcement system, less the amount necessary for
25 the installation, operation, and maintenance of the system,
26 to be deposited in the account or accounts maintained by the
27 local authority for moneys appropriated to the local authority
28 from the secondary road fund or street construction fund of
29 the cities, as applicable. This provision does not apply to
30 moneys collected for court costs or other associated costs,
31 the criminal penalty surcharge, or the county enforcement
32 surcharge.